

Senate File 367 - Introduced

SENATE FILE _____
BY COMMITTEE ON REBUILD IOWA
(SUCCESSOR TO SSB 1194)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to flood damage prevention and insurance.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 2143SV 83
4 tm/rj/8

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1 1 DIVISION I
1 2 STORM WATER MANAGEMENT STANDARDS
1 3 Section 1. Section 8A.321, subsection 7, Code 2009, is
1 4 amended by adding the following new paragraph:
1 5 NEW PARAGRAPH. c. For real property projects beginning
1 6 construction on or after July 1, 2010, a project must
1 7 incorporate applicable storm water management standards
1 8 adopted pursuant to section 455B.277A.
1 9 Sec. 2. NEW SECTION. 15A.5 ECONOMIC DEVELOPMENT
1 10 FINANCIAL ASSISTANCE == STORM WATER MANAGEMENT STANDARDS.
1 11 Financial assistance for economic development shall not be
1 12 given for purposes of a vertical infrastructure project unless
1 13 the project incorporates applicable storm water management
1 14 standards adopted pursuant to section 455B.277A. For purposes
1 15 of this section, "vertical infrastructure" means the same as
1 16 defined in section 8.57, subsection 6, paragraph "c". This
1 17 section applies to projects that begin construction on or
1 18 after July 1, 2010.
1 19 Sec. 3. Section 262.9, subsection 4, Code 2009, is amended
1 20 to read as follows:
1 21 4. Manage and control the property, both real and
1 22 personal, belonging to the institutions. ~~The board shall~~
~~1 23 purchase. For any construction project beginning on or after~~
~~1 24 July 1, 2010, the project must incorporate applicable storm~~
~~1 25 water management standards adopted pursuant to section~~
~~1 26 455B.277A.~~
1 27 4A. Purchase or require the purchase of, when the price is
1 28 reasonably competitive and the quality as intended,
1 29 soybean-based inks. All inks purchased that are used
1 30 internally or are contracted for by the board shall be
1 31 soybean-based to the extent formulations for such inks are
1 32 available.
1 33 a. The department of natural resources shall review the
1 34 procurement specifications currently used by the board to
1 35 eliminate, wherever possible, discrimination against the
2 1 procurement of products manufactured with soybean-based inks.
2 2 b. The department of natural resources shall assist the
2 3 board in locating suppliers of recycled content products and
2 4 soybean-based inks and collecting data on recycled content and
2 5 soybean-based ink purchases.
2 6 c. The board, in conjunction with the department of
2 7 natural resources, shall adopt rules to carry out the
2 8 provisions of this ~~section~~ subsection.
2 9 d. The department of natural resources shall cooperate
2 10 with the board in all phases of implementing this ~~section~~
2 11 subsection.
2 12 Sec. 4. NEW SECTION. 455B.277A STORM WATER MANAGEMENT
2 13 STANDARDS.
2 14 1. By January 1, 2010, the department of natural
2 15 resources, in cooperation with the department of agriculture
2 16 and land stewardship, shall adopt storm water management
2 17 standards designed to limit water runoff, reduce future flood

2 18 damage, and improve water quality.
2 19 2. All cities and counties shall adopt development
2 20 standards to incorporate storm water management standards
2 21 adopted pursuant to subsection 1 and limit development in a
2 22 five hundred year flood plain unless the development is
2 23 designed to mitigate future flood damage.
2 24 3. On or after January 1, 2010, a city or county shall not
2 25 approve public funding or the use of tax increment financing
2 26 for any project or development that does not conform to storm
2 27 water management standards.
2 28 4. On or after January 1, 2010, a city or county shall not
2 29 approve public funding or the use of tax increment financing
2 30 for any project or development within a five hundred year
2 31 flood plain that is not designed to mitigate future flood
2 32 damage.

2 33 DIVISION II
2 34 FLOOD INSURANCE

2 35 Sec. 5. Section 29C.6, subsection 17, Code 2009, is
3 1 amended by adding the following new paragraph:

3 2 NEW PARAGRAPH. c. State participation in funding
3 3 financial assistance under paragraph "a" is contingent upon
3 4 the county or city participating in the national flood
3 5 insurance program pursuant to section 455B.262A.

3 6 Sec. 6. NEW SECTION. 455B.262A NATIONAL FLOOD INSURANCE
3 7 PROGRAM.

3 8 1. All counties and cities in this state that have a flood
3 9 insurance rate map or a flood hazard boundary map published by
3 10 the federal emergency management agency that identifies
3 11 special flood hazard areas within their political boundaries
3 12 shall meet the requirements for participation in the national
3 13 flood insurance program administered by the federal emergency
3 14 management agency on or before July 1, 2010. Those counties
3 15 and cities for which the federal emergency management agency
3 16 has published after July 1, 2010, a flood insurance rate map
3 17 that identifies special flood hazard areas within their
3 18 political boundaries shall have twelve months from the map's
3 19 effective date to meet the requirement for participation in
3 20 the national flood insurance program. Each county or city
3 21 shall agree to manage flood hazard areas within its
3 22 jurisdiction by adopting regulatory standards that meet or
3 23 exceed statewide flood plain management standards and the
3 24 minimum requirements of the national flood insurance program.

3 25 2. The department shall assist counties and cities with
3 26 developing and administering local flood plain management
3 27 programs and with otherwise meeting the requirements for
3 28 participation in the national flood insurance program.

3 29 3. A county or city may apply to the department for a
3 30 waiver from the participation requirements in this section.
3 31 The department may grant a waiver if it determines that the
3 32 potential for flood damage in the county or city does not
3 33 justify participation.

3 34 4. State participation in funding financial assistance
3 35 under section 29C.6, subsection 17, paragraph "a", is
4 1 contingent upon the county or city participating in the
4 2 national flood insurance program pursuant to this section. A
4 3 county or city receiving a waiver pursuant to subsection 3 is
4 4 not eligible to receive state participation in funding
4 5 financial assistance under section 29C.6, subsection 17,
4 6 paragraph "a".

4 7 Sec. 7. NEW SECTION. 505.41 FLOOD INSURANCE.

4 8 On or after July 1, 2010, any person owning an insurable
4 9 structure in a five hundred year flood plain as determined by
4 10 the federal emergency management agency who fails to purchase
4 11 insurance providing coverage against direct or indirect or
4 12 consequential loss or damage, including loss of use or
4 13 occupancy and the depreciation of property lost or damaged by
4 14 flood shall not be eligible to receive any flood
4 15 disaster-related financial assistance from the state.

4 16 Sec. 8. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 17 3, shall not apply to this division of this Act.

4 18 DIVISION III
4 19 WATERSHED IMPROVEMENT FUND

4 20 Sec. 9. Section 466A.2, subsection 2, paragraph c, Code
4 21 2009, is amended by adding the following new subparagraphs:

4 22 NEW SUBPARAGRAPH. (8) Structures and conservation systems
4 23 for the prevention and mitigation of floods within the
4 24 watershed of the project.

4 25 NEW SUBPARAGRAPH. (9) Removal of channels of waterways to
4 26 allow waterways to meander.

4 27 DIVISION IV
4 28 FLOOD MITIGATION PLANNING

4 29 Sec. 10. Section 466B.1, Code 2009, is amended to read as
4 30 follows:

4 31 466B.1 SHORT TITLE.

4 32 This chapter shall be known and may be cited as the
4 33 "Surface Water Protection and Flood Mitigation Act".

4 34 Sec. 11. Section 466B.3, subsection 3, Code 2009, is
4 35 amended by adding the following new paragraph:

5 1 NEW PARAGRAPH. d. Whether the potential for flood damage
5 2 in each watershed in the state has been reduced.

5 3 Sec. 12. Section 466B.3, subsection 4, Code 2009, is
5 4 amended by adding the following new paragraph:

5 5 NEW PARAGRAPH. m. The dean of the college of engineering
5 6 at the university of Iowa or the dean's designee.

5 7 Sec. 13. Section 466B.3, subsection 6, paragraph b,
5 8 subparagraph (9), Code 2009, is amended to read as follows:

5 9 (9) Review best available technologies on a regular basis,
5 10 so that investments of time and program resources can be
5 11 prioritized and directed to projects that will best and most
5 12 effectively improve water quality and reduce flood damage
5 13 within regional and community subwatersheds.

5 14 Sec. 14. Section 466B.3, subsection 6, Code 2009, is
5 15 amended by adding the following new paragraph:

5 16 NEW PARAGRAPH. c. The council shall develop
5 17 recommendations for policies and funding promoting a watershed
5 18 management approach to reduce the adverse impact of future
5 19 flooding on this state's residents, businesses, communities,
5 20 and soil and water quality. Policy and funding
5 21 recommendations shall be submitted to the governor, the
5 22 general assembly, and the rebuild Iowa office not later than
5 23 November 15, 2009. The council shall consider policies and
5 24 funding options for various strategies to reduce the impact of
5 25 flooding including but not limited to additional flood plain
5 26 regulation; wetland protection, restoration, and construction;
5 27 conservation easements and other land management; perennial
5 28 ground cover and other agricultural conservation practices;
5 29 pervious pavement, bioswales, and other urban conservation
5 30 practices; and permanent or temporary water retention
5 31 structures. In developing recommendations, the council shall
5 32 consult with the rebuild Iowa office, hydrological and land
5 33 use experts, representatives of cities, counties, and soil and
5 34 water conservation districts, and other urban and regional
5 35 planning experts.

6 1 Sec. 15. Section 466B.4, subsection 1, Code 2009, is
6 2 amended by adding the following new paragraph:

6 3 NEW PARAGRAPH. e. The land in watersheds and flood plains
6 4 should be managed to reduce flooding, reduce flood damage,
6 5 ameliorate the effects of drought, improve water quality,
6 6 improve habitat and the natural environment, increase
6 7 renewable energy production, and enhance economic and
6 8 recreational opportunities.

6 9 EXPLANATION

6 10 This bill relates to flood damage prevention and insurance.

6 11 DIVISION I. Division I of the bill relates to storm water
6 12 management standards.

6 13 The division requires the department of natural resources,
6 14 in cooperation with the department of agriculture and land
6 15 stewardship, to adopt storm water management standards
6 16 designed to limit water runoff, reduce flood damage, and
6 17 improve water quality. The division requires all cities and
6 18 counties to adopt development standards to incorporate storm
6 19 water management standards adopted pursuant to this division.
6 20 The division prohibits a city or county from approving public
6 21 funding or the use of tax increment financing for any project
6 22 or development that does not conform to storm water management
6 23 standards or that is located in a 500-year flood plain that is
6 24 not designed to mitigate future flood damage.

6 25 The division requires the department of administrative
6 26 services, for real property projects beginning construction on
6 27 or after July 1, 2010, to incorporate storm water management
6 28 standards adopted pursuant to this division.

6 29 The division requires that financial assistance for
6 30 economic development shall not be given for purposes of a
6 31 vertical infrastructure project unless the project
6 32 incorporates storm water management standards adopted pursuant
6 33 to this division.

6 34 The division requires the state board of regents, for
6 35 construction projects beginning on or after July 1, 2010, to
7 1 incorporate storm water management standards adopted pursuant
7 2 to this division.

7 3 DIVISION II. Division II of the bill relates to flood
7 4 insurance.

7 5 The division requires all counties and cities in the state
7 6 that have a flood insurance rate map or a flood hazard
7 7 boundary map published by the federal emergency management
7 8 agency that identifies special flood hazard areas within their
7 9 political boundaries to meet the requirements for
7 10 participation in the national flood insurance program
7 11 administered by the federal emergency management agency on or
7 12 before July 1, 2010. The division requires the department of
7 13 natural resources to assist counties and cities in meeting the
7 14 participation requirements. The division allows the
7 15 department to grant waivers if it determines that the
7 16 potential for flood damage in the county or city does not
7 17 justify participation. The division provides that to receive
7 18 state participation in funding financial assistance under Code
7 19 section 29C.6, subsection 17, a city or county must meet the
7 20 participation requirements for the national flood insurance
7 21 program. The division provides that a county or city
7 22 receiving a waiver is not eligible to receive such assistance.
7 23 The division provides that, on or after July 1, 2010, any
7 24 person owning an insurable structure in a 500-year flood plain
7 25 who fails to purchase insurance providing coverage against
7 26 flood damage shall not be eligible to receive any flood
7 27 disaster-related financial assistance from the state.
7 28 The division may include a state mandate as defined in Code
7 29 section 25B.3. The division makes inapplicable Code section
7 30 25B.2, subsection 3, which would relieve a political
7 31 subdivision from complying with a state mandate if funding for
7 32 the cost of the state mandate is not provided or specified.
7 33 Therefore, political subdivisions are required to comply with
7 34 any state mandate included in the division.

7 35 DIVISION III. Division III of the bill relates to the
8 1 watershed improvement fund.

8 2 The division adds priorities for use of moneys in the
8 3 watershed improvement fund to include use of moneys for
8 4 structures and conservation systems for the prevention and
8 5 mitigation of floods within the watershed of the project and
8 6 removal of channels of waterways to allow waterways to
8 7 meander.

8 8 DIVISION IV. Division IV of the bill relates to flood
8 9 mitigation planning.

8 10 The division adds criteria to measure the success of the
8 11 efforts of the water resources coordinating council.

8 12 The division adds the dean of the college of engineering at
8 13 the university of Iowa as a member of the water resources
8 14 coordinating council.

8 15 The division amends the duties of the water resources
8 16 coordinating council to include the review of best available
8 17 technologies on a regular basis, so that investments of time
8 18 and program resources can be prioritized and directed to
8 19 projects that will best and most effectively reduce flood
8 20 damage within a regional or community subwatershed.

8 21 The division adds a duty for the water resources
8 22 coordinating council. The division requires the council to
8 23 develop recommendations for policies and funding promoting a
8 24 watershed management approach to reduce the adverse impact of
8 25 future flooding on the state's residents, businesses,
8 26 communities, and soil and water quality.

8 27 The division amends the legislative findings included in
8 28 Code chapter 466B.

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